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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,054	12/04/2003	Yair Shachar	P-2986-US1	4824
27130 7590 12/09/2008 EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020				
EXAMINER				
WOO, STELLA L				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
12/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/727,054

Applicant(s)

SHACHAR ET AL.

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-12, 14-17, 19-22, 24-27, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jewell et al. (US 7,075,564 B1, hereinafter "Jewell") in view of Inagaki (US 2002/0051069 A1).

Jewell discloses a multimedia communication system comprising:

a host computer (controller can be a personal computer; col. 5, lines 18-22); and

a unit external to said host computer (video conferencing interface can be configured as a PC peripheral; col. 5, lines 18-21; col. 6, lines 11-14) and connected to said host computer via an external bus (high speed serial interface circuit 46 can be a USB port; col. 5, lines 26-29), said unit configured to capture a video stream from a video input device (video input means 11; col. 4, lines 3-28), to convert said captured video stream according to a predetermined standard (video decoder module 54 converts analog NTSC or PAL signals to digital video signals 26; col. 4, lines 19-24), and to send said converted video stream to said host computer via said external bus (col. 5, lines 10-13),

wherein said host computer is configured to display content of said converted video stream on a local video output device (computer monitor; col. 5, lines 10-13).

Jewell differs from the claims in that although it teaches displaying the local encoded video to a computer monitor (col. 5, lines 10-13), it does not explicitly teach displaying the video substantially concurrently while sending the video for remote display. However, Inagaki teaches displaying a local image while transmitting the local image to a remote display (Figure 3, steps S301-S304) such that it would have been obvious to an artisan of ordinary skill to display the local video in Jewell while transmitting the image to the remote party, as taught by Inagaki, so that the local user can continue to monitor his self-image during a videotelephone conversation.

Regarding claims 2-4, 9, 14, 19, 24, 29-32, video can be output to a computer monitor (col. 5, lines 10-13) and the system uses a hybrid approach including a fixed hardware and fixed software solution (col. 2, lines 17-33).

Regarding claim 7, 12, 17, 22, 27, note use of H.263 video compression/decompression standard (col. 3, lines 11-52).

3. Claims 8, 13, 18, 23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jewell in view of Inagaki, as applied to claims 1-7, 9-12, 14-17, 19-22, 24-27, 29-32 above, and further in view of Clapp et al. (US 5,802,281, hereinafter "Clapp").

The combination of Jewell and Inagaki differs from claims 8, 13, 18, 23, 28 in that it does not specify the communication network as being one of an IP network, an Ethernet network or an ISDN line. However, Jewell does teach communication over a telephone line and suggests using an equivalent (col. 3, lines 32-35) and Clapp, from the same field of endeavor, teaches the well known use of an ISDN as an alternative to

the conventional analog POTS (col. 5, lines 60-64) such that it would have been obvious to an artisan of ordinary skill to incorporate connection with an ISDN line, as taught by Clapp, within the communication system of Jewell as an alternative to the telephone line.

Response to Arguments

4. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new grounds of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stella L. Woo/
Primary Examiner, Art Unit 2614